

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MUHAMMAD T. MIR, SALMAN RIAZ,
and ROCKAWAY COMMUNITY
CARE CORP., d/b/a REX PHARMACY,

Case No. 1:21-cv-6340

NOTICE OF REMOVAL

Plaintiffs,

-against-

ABDUL NAZ,

Defendant.

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PLEASE TAKE NOTICE that defendant, ABDUL NAZ (“NAZ”), through his attorneys, LAW OFFICES OF DANIEL FRIEDMAN, hereby removes this action, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446(b)(3), and 18 U.S.C. § 1961, *et seq.*, from the from the Supreme Court of the State of New York, County of Queens, to the United States District Court for the Eastern District of New York. In support of this Notice of Removal, NAZ, through his attorneys, LAW OFFICES OF DANIEL FRIEDMAN, states the following:

1. Plaintiffs purported to commence the above captioned action in the Supreme Court of the State of New York, County of Queens, Index Number 72177/2021, on or about October 5, 2021, by filing a Verified Petition, a copy of which is annexed hereto as Exhibit A.
2. Defendant NAZ asserts that he is the sole owner/shareholder of ROCKAWAY COMMUNITY CARE CORP., d/b/a REX PHARMACY (“ROCKAWAY”), and that plaintiffs MUHAMMAD T. MIR (“MIR”) and SALMAN RIAZ (“RIAZ”) are lenders. Plaintiffs MIR and RIAZ contend that they collectively own “at least 75%” of ROCKAWAY, and that NAZ owns “no more than 25%,” and seek declaratory and injunctive relief and damages in excess of \$750,000.00.
3. Annexed hereto as Exhibit B is the Verified Answer with Counterclaims. Exhibit C is the Consent to Change Attorney Stipulation.

3. Annexed hereto as Exhibit D is the NY State Education Department's response to a FOIL request, dated October 20, 2021, and received on that date.

4. Pursuant to 28 U.S.C. § 1446(b)(3): "a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable."

5. Accordingly, this Notice of Removal is filed within thirty (30) days after receipt of this "other paper," the NY State Education Department's response to a FOIL request, dated October 20, 2021, from which it was first ascertained that the case is one which is or has become removable.

6. The October 20, 2021, FOIL response provided defendant with information and documentation which showed a pattern of racketeering activity within the meaning of 18 U.S.C. § 1961, *et seq.*, and from which such a pattern of racketeering activity could first be ascertained.

7. This Court has original jurisdiction over this action under 28 U.S.C. § 1331 and 18 U.S.C. § 1961, *et seq.*

7. The Supreme Court of the State of New York, County of Queens, is located within the Eastern District of New York. This Notice of Removal is thus properly filed being filed in this Court pursuant to 28 U.S.C. § 1441(a).

8. Counsel for NAZ certifies that a copy of this Notice of Removal is being filed with the Clerk of the Supreme Court of the State of New York, County of Queens, and written notice is being provided to all other parties.

WHEREFORE, NAZ gives notice that the above-described action pending against him in the Supreme Court of the State of New York, County of Queens, is removed to this Court.

Dated: November 16, 2021

LAW OFFICES OF DANIEL FRIEDMAN

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